

50566

TO: Board of Acquisition and Contract

**FROM: Kunjlata Ashar, M.D.
Medical Examiner/ Pathologist
Department of Labs & Research**

DATE: January 19, 2016

RE: Resolution authorizing the County of Westchester, by and through its Department of Laboratories and Research, to enter into an agreement with the County of Rockland to provide tuberculosis and infectious disease testing services for the County of Rockland for a term commencing January 1, 2016 and terminating December 31, 2016 in an amount not to exceed \$10,000 pursuant to a set fee schedule

The attached resolution, if approved by your Honorable Board, would authorize the County of Westchester (the "County") by and through its Department of Laboratories and Research (the "Department") to enter into an agreement with the County of Rockland ("Rockland") to provide tuberculosis and infectious disease testing services for a term commencing January 1, 2016 and terminating December 31, 2016 in an amount not to exceed Ten Thousand (\$10,000) Dollars ("Agreement") to be paid pursuant to the County's set fee schedule for these services.

Rockland does not have the capability to perform tuberculosis and infectious disease testing and has requested the County to perform this testing on Rockland's behalf for the protection of the public. The County will perform this testing for a term commencing January 1, 2016 through December 31, 2016 and shall be paid by Rockland pursuant to the County's set fee schedule for these testing services up to a not to exceed amount of Ten Thousand (\$10,000) Dollars.

This Agreement would normally fall within Short Form Authority Approval, but it contains an indemnity provision pursuant to the Health Insurance Portability and Accountability Act of 1996 ("HIPAA") and therefore the approval of your Honorable Board is required for this Agreement. Pursuant to HIPAA, the County "shall defend, indemnify and hold Covered Entity ("Rockland") harmless against all actions, claims, losses, liability, costs and other expenses including reasonable attorneys' fees, without limitation, resulting from or arising out of the acts or omissions of Business Associate ("County") in the performance of its duties and obligations under the Agreement".

The goals and objectives of this Agreement are to protect the public at large by providing testing for tuberculosis and other infectious diseases.

The Agreement shall serve a public purpose by preventing the spread of illness between the County and Rockland by providing testing and diagnosis and therefore treatment for tuberculosis and other infectious diseases.

The action requested herein is not a procurement and therefore the County Procurement Policy does not apply.

Since the County is able to perform these testing services that Rockland cannot provide, and in order to protect the health and welfare of the public at large, I most respectfully request that your Honorable Board approve the attached proposed Resolution.

KA/lac
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 02/11/2016 - LISA M. JAMES SECRETARY

RESOLUTION

Upon a communication from the Medical Examiner/Pathologist, be it hereby

RESOLVED, that the County of Westchester (the “County”), by and through its Department of Laboratories and Research (the “Department”) is authorized to enter into an agreement with the County of Rockland (“Rockland”) to provide tuberculosis and other infectious disease testing for Rockland for a term commencing January 1, 2016 and continuing through December 31, 2016 for a not to exceed amount of Ten Thousand (\$10,000) Dollars to be paid to the County pursuant to a set fee schedule (“Agreement”); and be it further

RESOLVED, that the Agreement contains a provision pursuant to the Health Insurance Portability and Accountability Act of 1996 (“HIPAA”) wherein the County agrees to “defend, indemnify and hold Covered Entity (“Rockland”) harmless against all actions, claims, losses, liability, costs and other expenses including reasonable attorneys’ fees, without limitation, resulting from or arising out of the acts or omissions of Business Associate (County”) in the performance of its duties and obligations under the Agreement”; and be it further

RESOLVED, that the County Executive or his authorized designee is hereby authorized and empowered to execute any and all documents necessary and appropriate to effectuate the purposes hereof.

Account to be Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
101	31	0010-4200	9067		\$10,000

Budget Funding Year(s): Start Date 1/1/16 End Date 12/31/16
 (must match resolution)
 Funding Source Tax Dollars _____
 State Aid _____
 \$ 10,000 Federal Aid _____
 (must match resolution) Other ___ Revenue - \$10,000 _____